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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/930,095 | 08/15/2001 | Indermohan S. Monga | 14985BAUS01U | 1009 |
| 34845 | 7590 | 03/27/2006 | | |
| STEUBING MCGUINNESS & MANARAS LLP 125 NAGOG PARK ACTON, MA 01720 | | | EXAMINER | PAYNE, DAVID C |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2613 | |

DATE MAILED: 03/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|------------------------|----------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/930,095 | MONGA, INDERMOHAN S. |
| | Examiner | Art Unit |
| | David C. Payne | 2638 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 12 January 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-27 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Response to Arguments

1. Domestic priority is hereby acknowledged in this application.
2. Applicant's arguments filed 12 January 2006 have been fully considered but they are not persuasive.
3. Applicant's point out that Qos is not a technique for provisioning services. And that these techniques are not automatic in the Naveh reference. It is well understood that Qos techniques are a method of bandwidth management. However, Naveh is drawn to a policy based server and system for implementing user level requirement onto network **devices** if a flow through fashion.

E.g. :

Intermediate network ~~208, 210~~ provide basic bridging functions including filtering of data traffic by MAC address, "learning" of a MAC address based upon a source MAC address of a frame, and forwarding of the frame based upon a destination MAC address or route information field (RIF). They may also include an IP software layer and provide route processing, path determination, and path switching functions. In one embodiment, ~~208, 210~~ are computers having transmitting and receiving circuitry and components, including network interface cards (NICs) establishing physical ports, for exchanging data frames. Intermediate

network device 210, moreover, preferably is configured as a local policy enforcer for traffic flows originating from server 222, as described below

Network 200 is illustrated as an example only. Embodiments disclosed in this document will operate with other, possibly far more complex, network topologies. For example, repository 218 and network administrator station 220 may be coupled directly or indirectly to policy server 216 through zero or more intermediate devices.

(Cols./line: 7/60-67, 8/1-15)

Policy Server 604 is coupled to one or more network devices 620, each of which executes a network device operating system 622. An example of a network device 620 is a router and an example of a network device operating system 622 is IOS. Policy Server 604 configures the network devices 620 to implement the network services and to correctly respond to signaling from Application 608. For example, Policy Server 604 may map an Application Codepoint to a DiffServ Code Point or IP precedence value. Such mappings of ACPs to DSCPs may be stored in Local Mapping 610 so that they are immediately accessible to Application 608 when it is executing in real time.

Alternatively, each network device 620 may communicate directly with the Repository 600, without passing communications through Policy Server 604.

(Cols./line: 9/55-9/67, 10/1-5)

Applications manager 420 is an individual who has expertise operating a particular

application. Examples of applications include databases, ERP applications, sales force automation applications, human resources applications, etc. Applications manager 420 receives extensive application information 402 that defines, among other things, the types of network messages, traffic and flows that are generated by the application in operation. Applications manager 420 makes an application decision 404, resulting in creating one or more application classes 406 that categorize the messages, traffic and flows into a smaller number of groups. For example, application information 402 might inform applications manager 420 that a particular application generates eight (8) different kinds of log and warning error messages. The applications manager may decide to classify all such messages as "medium" priority traffic. (Cols./line: 12/45-60)

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claim(s) 1, 2, 5, 6, and 7 is/are rejected under 35 U.S.C. 102(e) as being anticipated by Naveh et al. US 6,466,984 B1 (Naveh).

Re claims 1, 2, 6, and 7, Naveh disclosed

A method for managing connection quality for a user in an optical communication system, the method comprising: ascertaining high-level communication requirements and non-requirements of the user; determining a set of lower level communication services for the user based upon the high-level communication requirements and non-requirements of the user; and obtaining the lower-level communication services for the user. (see e.g., 11/1-15, 11/45-60, 17/10-24).

Re claim 5, the modified invention of Naveh and Schofield disclosed wherein obtaining the lower level communication services for the user comprises: interacting with peer users to obtain the lower level communication services for the user (see Naveh, col./lines: 5/19-67 and 6/1-35).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claim(s) 3, 4, and 8-27 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Naveh et al. US 6,466,984 B1 (Naveh) and Schofield et al. US 20030212829 A1 (Schofield).

Re claims 3, 8, 9, 27, 12-20, 21, 23, and 24, Naveh disclosed a method of mapping/managing high-level requirements into low-level requirements in a network. Naveh does not disclose an optical service manager and UNI.

Schofield disclosed a method of managing optical services within a core network with users attached across a UNI. It would have been obvious to one of ordinary skill in the art at the time of invention to use the Naveh bandwidth management scheme in the Schofield network since the policy reservations tools discussed in Naveh such as Diffserv and RSVP are typically implemented in optical network.

Re claims 4, 10, 22 The modified invention of Naveh and Schofield disclosed wherein the core optical communication network comprises an automatically switched optical network (ASON) (see Schofield, par. 0071)

Re claim 11, 25, 26 The modified invention of Naveh and Schofield disclosed wherein obtaining the lower level communication services for the user comprises: interacting with peer users to obtain the lower level communication services for the user (see Naveh, col./lines: 5/19-67 and 6/1-35).

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

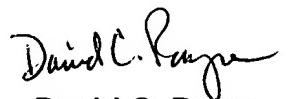
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David C. Payne whose telephone number is (571) 272-3024. The examiner can normally be reached on M-F, 7:00a - 4:30p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on (571) 272-3022. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dcp



**David C. Payne
Primary Examiner
AU 2638**